

Current "Watersheds with Threatened and Impaired (T/I)" Rules
1/1/08

(text added to existing FPRs in 2000, 2001, 2003, 2006, and 2007)
shown additions in text double underline; text deleted not shown)

§ 895 Abbreviations applicable throughout chapter.

(various nonsubstantive abbreviations)

§ 895.1. Definitions.

"Bankfull stage" means the stage that occurs when discharge fills
the entire channel cross section without significant inundation of the
adjacent floodplain, and has a recurrence interval of 1.5 to 2.0
years.

"Beneficial Functions of Riparian Zone" means the specific role
of the riparian zone to provide protection for water temperature
control, streambed and flow modification by large woody debris,
filtration of organic and inorganic material, upslope stability, bank
and channel stabilization and vegetative structure diversity for fish
and wildlife habitat.

"Channel zone" means that area ~~located~~ between the watercourse
transition lines.

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watercourse's channel at
bankfull stage and a
watercourse's floodplain,
encompassing the area

Comment [pfr1]: Modified to
improve clarity.

"Inner Gorge" means a geomorphic feature formed by coalescing
scars originating from landsliding and erosional processes caused by
active stream erosion. The feature is identified as that area

beginning immediately adjacent to the stream channel below the first break in slope.

"Saturated soil conditions" means that site conditions are so wet that soil aggregates break down and the surface layer of soil becomes a slurry (may include the pumpin of fes from poorly or inadequately rockd roads) as a result of ground based yarding/loading, site preparation, hauling or road maintenance. Such conditions are often evidenced by: reduced traction by equipment as indicated by spinning or churning of wheels or tracks or inadequate traction without blading wet soil or material.

Soils or road and landing surfaces that are hard frozen, throughout the period of heavy equipment use, are excluded from this definition.

"Stable operating surface" means a road or landing surface with a structurally sound road base appropriate for the type, intensity and timing of intended use.

"Watercourse or Lake Transition Line"

(a) for a watercourse with an unconfined channel (a channel with a valley to width ratio at bankfull stage of 4 or greater) means that line defined by the landward margin of the most active portion of the channel zone area readily identified in the field by+ riverine hardwood and conifer trees at least twenty-five (25) years in age at breast height.

(b) for a watercourse with a confined channel means that line that is the outer boundary of a watercourse's 20-year return interval flood event floodplain. This outer boundary corresponds to an

Comment [pfr2]: Modification made to clarify when the road itself is in an unacceptable condition. Deletes reference to ancillary undesirable impacts to water quality; these should be inserted into the specific rule requirements.

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Deleted: timber operations displace soils in

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Deleted: areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

In yarding and site preparation areas, this

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Deleted: c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or d) creation of ruts greater than ... [1]

Deleted: On logging roads and landing surfaces, this condition may be evident ... [2]

Comment [pfr3]: Same rationale for comment 2 above.

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Deleted: throughout the period of use, the operating surface of

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Deleted: does not either (1) generate waterborne sediment in amounts sufficient to ... [3]

elevation equivalent to twice the maximum depth of the adjacent riffle at bankfull stage. The bankfull stage elevation shall be determined by field indicators and may be verified by drainage area/bankfull discharge relationships.

(c) for a lake, it is that line closest to the lake where riparian vegetation is permanently established.

"Watersheds with threatened or ~~endangered anadromous salmonids~~" means any planning watershed where populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts with their implementing regulations, are currently present or can be restored.

Deleted: impaired values

The amendments to 14 CCR § 895.1 adopted on March 15, 2000 and April 4, 2000, which became effective July 1, 2000, shall expire on December 31, 2008.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

§ 898 Feasibility Alternatives

After considering the rules of the Board and any mitigation measures proposed in the plan, the RPF shall indicate whether the operation would have any significant adverse impact on the environment. On TPZ lands, the harvesting per se of trees shall not

be presumed to have a significant adverse impact on the environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall explain in the plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not feasible.

Cumulative impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process and shall be guided by standards of practicality and reasonableness. The RPF's and plan submitter's duties under this section shall be limited to closely related past, present and reasonably foreseeable probable future projects within the same ownership and to matters of public record. The Director shall supplement the information provided by the RPF and the plan submitter when necessary to insure that all relevant information is considered.

(a) The amendments to 14 CCR § 898 that became effective July 1, 2000, shall expire on December 31, 2008.

Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, and 4582.75, Public Resources Code; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

§ 898.2 Special Conditions Requiring Disapproval of Plans

The Director shall disapprove a plan as not conforming to the rules of the Board if any one of the following conditions exist:

(a) Boundaries of the area to be harvested are not clearly delineated in the plan.

(b) Public acquisition of the parcel for purposes which would be impaired by timber harvesting, is legislatively authorized, funded and imminent.

(c) There is evidence that the information contained in the plan is incorrect, incomplete or misleading in a material way, or is insufficient to evaluate significant environmental effects. The sufficiency of the information provided in a THP to evaluate significant environmental effects shall be judged in light of what is reasonable and necessary.

(d) Implementation of the plan as proposed would result in either a "taking" or finding of jeopardy of wildlife species listed as rare, threatened or endangered by the Fish and Game Commission, the National Marine Fisheries Service, or Fish and Wildlife Service, or would cause significant, long-term damage to listed species. The Director is not required to disapprove a plan which would result in a "taking" if the

Comment [pfr4]: [pfr4] Move to 916.12 as the new subsection(a). This paragraph fits better under the 303(d) Listed Watersheds section. I have suggested this paragraph as the new subsection(a) because it clarifies what is expected of RPFs when developing THPs in applicable watersheds.

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Deleted: assessing cumulative impacts of a proposed project on any portion of a waterbody that is located within or downstream of the proposed timber operation and that is listed as water quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the degree to which the proposed operations would result in impacts that may combine with existing listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse effect on the environment. The plan preparer shall provide feasible mitigation measures to reduce any such impacts from the plan to a level of insignificance, and may provide measures, insofar as feasible, to help attain water quality standards in the listed portion of the waterbody.¶ The Director's evaluation of such impacts and mitigation measures will be done in consultation with the appropriate RWQCB.

"taking" is incidental and is authorized by a wildlife agency acting within its authority under state or federal endangered species acts.

(e) Implementation of the plan would irreparably damage plant species listed as rare or endangered by the Department of Fish and Game and when the timber owner fails to comply with F&GC 1913.

(f) Implementation of the plan as proposed would result in the taking of an individual Northern Spotted Owl prohibited by the Federal Endangered Species Act.

(g) Implementation of the plan as proposed would not achieve maximum sustained production of high quality timber products as provided for by the rules of the Board, and by the intent of the Act.

(h) Implementation of the plan as proposed would cause a violation of any requirement of an applicable water quality control plan adopted or approved by the State Water Resources Control Board.

Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources Code; Section 51115.1, Government Code; the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et seq.; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

§ 914.8, 934.8, and 954.8 Tractor Road Watercourse Crossing

Watercourse crossing facilities on tractor roads shall be planned, constructed, maintained, and removed according to the following standards:

(a) The number of crossings shall be kept to a minimum. Existing crossing locations shall be used wherever feasible.

(b) A prepared watercourse crossing using a structure such as a bridge, culvert, or temporary log culvert shall be used to protect the watercourse from siltation where tractor roads cross a watercourse in which water may be present during the life of the crossing.

(c) Crossing facilities on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and for unrestricted passage of water. Such crossing facilities shall be fully described in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector.

(d) Watercourse crossing facilities not constructed to permanent crossing standards on tractor roads shall be removed before the beginning of the winter period. If a watercourse crossing is to be removed, it shall be removed in accordance with 14 CCR 923.3(d) [943.3(d), 963.3(d)].

(e) If the watercourse crossing involves a culvert, the minimum diameter shall be stated in the THP and the culvert shall be of a sufficient length to extend beyond the fill material.

(f) Consistent with the protection of water quality, exceptions may be provided through the Fish and Game Code and shall be indicated in the plan.

(g) The amendments to 14 CCR §§ 914.8, 934.8, and 954.8 that became effective July 1, 2000, shall expire on December 31, 2008.

Note: Authority cited: Sections 4551, 4551.5, and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7, and 4582, Public Resources Code.

§ 916, 936, and 956 Intent of Watercourse and Lake Protection.

The purpose of this article is to ensure that the quality and beneficial uses of water, native aquatic and riparian-associated species, and the beneficial functions of riparian zones are protected from significant adverse impacts on the environment associated with timber operations.

It is the intent of the Board to restore, enhance, and maintain the productivity of timberlands while providing equal consideration for the beneficial uses of water. Further, it is the intent of the Board to clarify and assign responsibility for recognition of potential and existing impacts of timber operations on watercourses and lakes, native aquatic and riparian-associated species, and the beneficial functions of riparian zones and to ensure adoption of feasible measures to effectively achieve compliance with this article. Further, it is the intent of the Board that the evaluations that are made, and the measures that are taken or prescribed, be documented in a manner that clearly and accurately represents those existing conditions and those measures. "Evaluations made" pertain to the assessment of the conditions of the physical form, water quality, and biological characteristics of watercourses and lakes, including cumulative impacts affecting the beneficial uses of water on both the area of planned logging operations and in the Watershed Assessment Area (WAA). "Measures taken" pertain to the procedures used or prescribed for the restoration, enhancement, and maintenance of the beneficial uses of water.

Comment [pfr5]: Consistent with terms used in (a) below.

Comment [pfr6]: Consistent with 895.1 definition derived from CEQA.

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All provisions of this article shall be applied in a manner,
which complies with the following:

(a) Protection of the quality and beneficial uses of water during
the planning, review, and conduct of timber operations shall comply
with all applicable legal requirements including those set forth in
any applicable water quality control plan adopted or approved by the
State Water Resources Control Board.

(b) The beneficial uses of water shall be given equal
consideration as a management objective within any prescribed WLPZ and
within any ELZ or EEZ designated for watercourse or lake protection.

(c) Populations and habitat of anadromous salmonids or listed aquatic
and riparian-associated species shall be given significant
consideration as a management objective within any prescribed WLPZ,
where required by these rules.

(d) The beneficial functions of riparian zones shall be given
equal consideration as a management objective within any prescribed
WLPZ.

(e) The measures set forth in this Section are meant to enforce
the public's historical and legal interest in protection for wildlife,
fish, and water quality and are to be used to guide timberland owners
in meeting their legal responsibilities to protect public trust
resources.

(e) The amendments to 14 CCR §§ 916 [936, 956] that became
effective July 1, 2000 shall expire on December 31, 2008.

Comment [pfr7]: Deleted due to lack of clarity regarding term "good", "threatened" and "impaired"

Deleted: (a) During and following timber operations, the beneficial uses of water, native aquatic and riparian-associated species, and the beneficial functions of riparian zones shall be maintained where they are in good condition, protected where they are threatened, and insofar as feasible, restored where they are impaired

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Comment [pfr8]: We already have a similar "prohibition" under 916.3, first paragraph. Seems unnecessary and duplicative; the water and fish will be affected by adverse inputs well in advance of the upslope riparian zone.

Comment [pfr9]: This general statement is unnecessary and made more specific later on in the rules.

Deleted: At a minimum, the LTO shall not do either of the following during timber operations:
(1) Place, discharge, or dispose of or deposit in such a manner as to permit to pass into the waters of the state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, beneficial ... [4]

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(2) Remove water, trees or large woody debris from a watercourse or lake, th ... [5]

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Comment [pfr10]: I have separated the three values into subsections (b), (c) and (d) so that the more ... [6]

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Deleted: Protecting and restoring native aquatic and riparian-associated species, the beneficial function ... [7]

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Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4552, 4562.5, 4562.7, 21001(b), (f), 21002 and 21002.1, Public Resources Code; and Sections 100, 1243, 1243.5, 13001, 13050(f), 13146 and 13147, Water Code.

§ 916.2, 936.2, and 956.2 Protection of the Beneficial Uses of Water and Riparian Functions.

(a) The measures used to protect each watercourse and lake in a logging area shall be determined by the presence and condition of the following values:

(1) The existing and potential quality and beneficial uses of water as specified by the applicable water quality control plan and as further identified and refined during preparation and review of the plan.

(2) The existing and restorable uses of water for fisheries as identified by the DFG or as further identified and refined during preparation and review of the plan.

(3) The beneficial functions of the riparian zone that provide for the biological needs of native aquatic and riparian-associated species as specified in 14 CCR §916.4(b) [936.4(b), 956.4(b)] and 14 CCR § 916.9 [936.9, 956.9] when the plan is located within watersheds with threatened or endangered anadromous salmonids.

(4) Sensitive conditions near watercourses and lakes as specified in 14 CCR § 916.4(a) [936.4(a), 956.4(a)].

(5) Waterbodies listed as water quality limited under section 303(d) of the Clean Water Act as specified in 14 CCR § 916.12(a) and (b) [936.12(a) and (b), 956.12(a) and (b)].

These values shall be protected from significant adverse impacts on the environment from timber operations and where specified in these rules, restored to a functional condition, where feasible, through a combination of the rules and plan-specific mitigation. The RPF shall propose and the Director may require, adequate protection of overflow and changeable channels which are not contained within the channel zone.

(b) The State's waters are grouped into four classes based on key beneficial uses. These classifications shall be used to determine the appropriate minimum protection measures to be applied during the conduct of timber operations. The basis for classification (characteristics and key beneficial uses) are set forth in 14 CCR

Comment [pfr11]: Change is made for consistency. The beneficial uses described in the Water Quality Control Plan for the North Coast Region discusses existing and potential uses not restorable uses.

Deleted: restorable

Deleted: Riparian habitat

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Comment [pfr12]: The term beneficial uses of the riparian zone is a defined term in 895.1. This term can be more clearly tied to the specified subsections of the rules

Comment [pfr13]: This is an attempt to provide some linkage to the section specially addressing considerations in 303(d) watersheds.

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Comment [pfr14]: Defined term in 895.1 derived from CEQA.

Comment [pfr15]: Less subjective and more descriptive term.

Comment [pfr16]: Consistent with other use of term feasible in the rules. Puts some sideboards on the level of restoration required.

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916.5 [936.5, 956.5], Table 1 and the range of minimum protective measures applicable to each class are contained in 14 CCR 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], and 916.5 [936.5, 956.5].

(c) When the protective measures contained in 14 CCR 916.5 [936.5, 956.5] and 14 CCR § 916.9 [936.9, 956.9] when the plan is located within watersheds with threatened or endangered anadromous salmonids or pursuant to 14 CCR § 916.12(a) and (b) [936.12(a) and (b), 956.12(a) and (b)] are not adequate to provide protection to beneficial uses, feasible protective measures shall be developed by the RPF or proposed by the Director under the provisions of 14 CCR § 916.6 [936.6, 956.6], Alternative Watercourse and Lake Protection, and incorporated in the plan when approved by the Director.

Comment [pfr17]: Attempt to provide consistency and linkage with other applicable rule sections.ane

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(d) The amendments to 14 CCR §§ 916.2 [936.2, 956.2] that became effective July 1, 2000 shall expire on December 31, 2008.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

§ 916.9, 936.9, and 956.9 Protection and Restoration in Watersheds with Threatened or Endangered Anadromous Salmonids.

In addition to all other district Forest Practice Rules, the following requirements shall apply in any watershed with threatened or endangered anadromous salmonids:

Comment [pfr18]: Title clarifies what this subsection is addressing.

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(a) GOAL - Every timber operation shall be planned and conducted to prevent significant adverse impacts to the to the beneficial uses of water and the primary limiting factors that affect populations and habitat of anadromous salmonids (e.g., sediment load increase where sediment is a primary limiting factor; thermal load increase where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential where lack of this value is a

Deleted: deleterious interference with the watershed conditions that primarily limit

Deleted: the values

Comment [pfr19]: Phrase used for consistency throughout this subsection and 916.

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primary limiting factor; substantial increase in peak flows or large flood frequency where peak flows or large flood frequency are primary limiting factors). To achieve this goal, every timber operation shall be planned and conducted to meet the following objectives where they affect a primary limiting factor:

(1) ~~Not~~ result in any ~~significant~~ sediment load increase to a watercourse system or lake.

(2) Not result in any ~~significant~~ decrease in the stability of a watercourse channel or of a watercourse or lake bank.

(3) Not ~~r~~Result in any ~~significant~~ blockage of any aquatic migratory routes for anadromous salmonids or listed species.

(4) Not result in any ~~significant~~ stream flow reductions during critical low water periods except as part of an approved water drafting plan pursuant to 14 CCR § 916.9(r) [936.9(r), 956.9(r)].

(5) Consistent with the requirements of 14 CCR § 916.9(i) [936.9(i), 956.9(i)]; protect, maintain, and restore trees (especially conifers), snags, or downed large woody debris that currently, or may in the foreseeable future, provide large woody debris recruitment needed for instream habitat structure and fluvial geomorphic functions.

(6) Consistent with the requirements of 14 CCR § 916.9(g) [936.9(g), 956.9(g)]; protect, maintain, and restore the quality and quantity of vegetative canopy needed to: (A) provide shade to the watercourse or lake, (B) ~~moderate~~ daily and seasonal temperature fluctuations, (C) maintain daily and seasonal water temperatures within the preferred range for anadromous salmonids ~~where they are~~

Comment [pfr20]: This section has been moved as a new 916.12(b). Keeps TMDL, 303(d) linked considerations together in one place.

Comment [pfr21]: Changes maintain use of the CEQA standard in this and the following subsections.

Deleted: Comply with the terms of a Total Maximum Daily Load (TMDL) that has been adopted to address factors that may be affected by timber operations if a TMDL has been adopted, or

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Comment [pfr22]: More clear and descriptive term for what is trying to be achieved.

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present or could be restored or listed aquatic and riparian-associated species, and (D) provide riparian litter and nutrients.

(7) Result in no significant increases in peak flows or large flood frequency.

(b) Pre-plan adverse cumulative watershed effects on the populations and habitat of anadromous salmonids shall be considered. The plan shall specifically acknowledge or refute that such effects exist. Where appropriate, the plan shall set forth measures to effectively reduce such effects.

§ 916.12, 936.12, and 956.12 Section 303(d) Listed Watersheds

For any planning watershed in which timber operations could contribute to the pollutants or stressors which have been identified as limiting water quality in a water body listed pursuant to 303(d) Federal Clean Water Act, the following shall apply:

(a) When assessing cumulative impacts of a proposed project on any portion of a waterbody that is located within or downstream of the proposed timber operation and that is listed as water quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the degree to which the proposed operations would result in impacts that may combine with existing listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse effect on the environment. The plan preparer shall provide feasible mitigation measures to reduce any such impacts from the plan to a level of insignificance, and may provide measures, insofar as

Comment [pfr23]: Instream cover or shelter is addressed under subsection (5) above. If trying to describe very near-stream vegetation then: "provide hiding cover immediately above or in contact with the water surface".

Comment [pfr24]: More descriptive of what the vegetation provides than food base which could include aquatic invertebrates.

Deleted: where they are present or could be restored

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feasible, to help attain water quality standards in the listed portion of the waterbody.

The Director's evaluation of such impacts and mitigation measures will be done in consultation with the appropriate RWQCB.

(b) Consistent with subsection (a) above, comply with the terms of an adopted Total Maximum Daily Load (TMDL) to address pollutants or stressors that may be affected by timber operations.

(c) The Department shall, in collaboration with the appropriate RWQCB and SWRCB, prioritize watersheds in which the following will be done: 1) conduct or participate in any further assessment or analysis of the watershed that may be needed, 2) participate in the development of Total Maximum Daily Load (TMDL) problem assessment, source assessment, or load allocations related to timber operations, and 3) if existing rules are deemed not to be sufficient, develop recommendations for watershed-specific silvicultural implementation, enforcement and monitoring practices to be applied by the Department.

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(d) The Department shall prepare a report setting forth the Department's findings and recommendations from the activities identified pursuant to (a) above. The report shall be submitted to the Board and the appropriate RWQCB. The report shall be made available to the public upon request and placed on the Boards' website for a 90-day period.

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(e) Where the Department has recommended that the adoption of watershed specific rules is needed, the Board shall consider that recommendation as a proposal for rulemaking under the Administrative

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1 Procedures Act (Section 11340 et. seq. Gov Code) and shall begin that
2 process within 180 days following receipt of that report.

3 (f) These watershed specific rules shall be developed in
4 collaboration with the appropriate RWQCB, the landowner(s) or designee
5 with land in the planning watershed, and other persons or groups
6 within the watershed, and may also be incorporated into a TMDL
7 implementation plan.

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8 (g) The watershed specific rules shall remain in effect until the
9 water body has been removed from the 303(d) list, or that the Board
10 finds, after consulting with the appropriate RWQCB, that timber
11 operations are no longer a significant source of the pollutant or
12 stressor that limits water quality in the listed water body.

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13 (f) This section shall expire on December 31, 2008.

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15 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512,
16 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code;
17 and Sections 1600 and 5650(c), Fish and Game Code.
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, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or d) creation of ruts greater than would be normal following a light rainfall.

On logging roads and landing surfaces, this condition may be evidenced by a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, d) pumping of road surface materials by traffic, or e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse. The

does not either (1) generate waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I, II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters or, that is visible or would violate applicable water quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I, II, III, or IV waters.

At a minimum, the LTO shall not do either of the following during timber operations:

(1) Place, discharge, or dispose of or deposit in such a manner as to permit to pass into the waters of the state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water

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(2) Remove water, trees or large woody debris from a watercourse or lake, the adjacent riparian area, or the adjacent flood plain in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water

I have separated the three values into subsections (b), (c) and(d) so that the more general intent language is consistent with other rule requirements: see 916, paragraph 2; 916.9(c); 916.4(b).

Protecting and restoring native aquatic and riparian-
associated species, the beneficial functions of
riparian zones and the quality and